

DEPARTMENT OF STATE REVENUE

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LETTER OF FINDINGS NUMBER: 97-0474 MVE

Motor Vehicle Excise Tax

For Tax Period: 8/31/95 Through 7/31/97

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Departments official position concerning a specific issue.

ISSUE

I. Motor Vehicle Excise Tax - Imposition

Authority: IC 9-18-2-1

Taxpayer protests the imposition of the motor vehicle excise tax on her 1993 Isuzu.

STATEMENT OF FACTS

Taxpayer registered and transferred title (from Illinois) to Indiana on her 1993 Isuzu on February 18, 1997. The vehicle was originally purchased in December, 1993. Taxpayer had filed a 1995 Indiana part-year resident return and claimed she was an Indiana resident from August, 1995. The Department assessed the motor vehicle excise tax from August, 1995 through June, 1997. Taxpayer protests this assessment. Additional facts will be provided below, as necessary.

I. Motor Vehicle Excise Tax - Imposition

DISCUSSION

Taxpayer argues she does not owe the motor vehicle excise tax for this assessment period as she did not operate the vehicle in Indiana. Pursuant to IC 9-18-2-1 an Indiana resident has sixty days in which to register vehicles owned by that person which are operated in Indiana.

Taxpayer claims her husband maintained and operated the vehicle at his home in Illinois until January, 1997, when she purchased the vehicle pursuant to a divorce decree. Taxpayer concedes she was a resident of Indiana from August, 1995 but denies operating any vehicle in the state during the assessment period. Taxpayer submits copies of her divorce decree dated July 25, 1995. Taxpayer also provides insurance and registration records for the vehicle in Illinois throughout the assessment period. Prior to the taxpayers divorce and subsequent purchase of the vehicle the Isuzu was titled in her husbands name. Taxpayer finally provides a letter from her loaning institution which states she secured a loan in order to purchase the vehicle from her former husband and took possession of the vehicle in January, 1997. Taxpayer titled and registered the vehicle in Indiana on February 18, 1997.

FINDING

Taxpayers protest is sustained. Although she was an Indiana resident, taxpayer has provided sufficient evidence that she did not operate the 1993 Isuzu in Indiana until January, 1997. Taxpayer properly registered the vehicle within the proscribed sixty days of operation in Indiana.